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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10 KEITH L. NASH,

11                   Plaintiff,

12                   v.

13 DOUG WADDINGTON, *et al.*,

14                   Defendants.

Case No. C06-5127 RJB/KLS

ORDER GRANTING PLAINTIFF'S  
MOTION TO EXTEND DISCOVERY  
AND DENYING MOTION TO  
EXCEED WRITTEN  
INTERROGATORY LIMIT

15 This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge  
16 Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Presently  
17 before the Court are Plaintiff's motions to extend the discovery deadline (Dkt. # 88) and to exceed  
18 the written interrogatory limit (Dkt. # 86). Having carefully reviewed Plaintiff's motions and  
19 Defendants' opposition (Dkt. # 89)<sup>1</sup>, the Court finds that the motion to extend the discovery deadline  
should be granted and the motion to exceed the written interrogatories limit should be denied.

20                   **I. DISCUSSION**

21 Plaintiff seeks an extension of ninety-days beyond the present discovery deadline of  
22 February 2, 2007, to amend his complaint, to complete deposition discovery, and to compel

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<sup>1</sup>Plaintiff's reply to Defendant's response dated February 12, 2007, was filed after the noting  
25 date and will not be considered by the Court.

1 production of previously requested discovery. (Dkt. # 88). Plaintiff also seeks leave to exceed the  
2 written interrogatory limit. (Dkt. # 86).

3 Defendants submit that Plaintiff does not need further discovery, does not explain why he  
4 needs further time to complete discovery and that they have cooperated with Plaintiff in his discovery  
5 efforts and will continue to assist in completing any outstanding discovery issues. (Dkt. # 89, Exh.  
6 1). Defendants also point out that Plaintiff has filed numerous discovery requests, including 193  
7 Requests for Admissions directed towards all thirteen Defendants; 24 Requests for Production of all  
8 thirteen Defendants with 516 pages of documents being produced and 25 interrogatories of all  
9 thirteen Defendants. (Id.). Plaintiff has also deposed Defendants Rohrer, Jimenez, Mortimeyer,  
10 Shanahan, Dahne and Stroup. In addition, the depositions of Defendants Strong and Scott were  
11 scheduled for the week of February 5, 2007.

12 **A. Motion to Extend Discovery Deadline**

13 Deposition discovery remains to be completed. Plaintiff was previously granted leave to take the  
14 depositions of all named Defendants in this case. (Dkt. # 84). It appears that at least six of those  
15 depositions are complete and two more are scheduled. The parties have indicated that they will continue  
16 to work together to complete the outstanding deposition discovery. Therefore, the Court finds it  
17 appropriate to grant a sixty day extension of the discovery deadline for the sole purpose of completing  
18 the deposition discovery.

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20 **B. Motion to Exceed Written Interrogatory Limit of 25 Interrogatories**

21 Fed. R. Civ. P. 33(a) provides that without leave of court, the number of interrogatories that  
22 any party may serve upon any other party may not exceed "25 in number including all discrete  
23 subparts."

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25 Plaintiff does not explain what additional information he seeks from the Defendants which  
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1 would require written interrogatories in excess of those allowed under the Rules. Although leave to  
2 serve additional interrogatories may be granted, Rule 26(b)(2) provides that the "frequency or extent  
3 of use of the discovery methods otherwise permitted shall be limited by the court if it determines that  
4 "the party seeking discovery has had ample opportunity by discovery in the action to obtain the  
5 information sought." Fed. R. Civ. P. 26(b)(2).

6 The Court finds that Plaintiff has had and will have ample opportunity to obtain the  
7 information sought through the various depositions of the defendants.

8 Accordingly, Plaintiff's motion to extend the discovery deadline (Dkt. # 88) is **GRANTED**  
9 **for sixty days from the date of this Order** and motion to exceed the written interrogatory limit  
10 (Dkt. # 86) is **DENIED**. An Amended Scheduling Order will issue separately.

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12 DATED this 28th day of February, 2007.

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15 Karen L. Strombom  
16 United States Magistrate Judge

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